

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OFF-WHITE LLC,

Plaintiff,

-v-

ALICARL SERISE STORE, *et al.*,

Defendants.

21 Civ. 3630 (PAE) (DCF)

ORDER

PAUL A. ENGELMAYER, District Judge:

On April 23, 2021, plaintiff Off-White LLC (“Off-White”) filed a sealed Complaint, which alleges federal trademark counterfeiting; federal infringement of registered and unregistered trademarks; federal false designation of origin, passing off and unfair competition; and unfair competition under New York common law against Alicarl Serise Store and 52 other merchants on online marketplace platforms such as Alibaba and AliExpress (the “defendants”).¹

¹ The full list of defendants is: AliCarl Serise Store, Angshe Store, Be Yeah Store, beautiful customer Store, Dongguan City Shanli Weaving Co., Ltd., Dongguan Gemfits Technology Co., Ltd., Dongguan Nuomanshi Clothing Co., Ltd., Dongguan Yihong Webbing Co., Ltd., Fashionable accessories Store, FJXMVIP Store, FLOVAR Store, Geometric spacing Store, Guangzhou Bikson Electronic Technology Co., Ltd., Guangzhou Misheng Technology Co., Ltd., Guangzhou Tomas Crafts Co., Limited, Guangzhou YJ Technology Co., Ltd., Hangzhou Meikalai Technology Co., Ltd., HYUCENY FF bag666 Store, LBJSOX Store, LLL89898989 Store, Olivia’s colorful Store, Outstandingofficial Store, Shangzhijia Store, Shenzhen Aishang Sunshine Trading Co., Ltd., Shenzhen Asher Technology Co., Ltd., Shenzhen Ast Electronic Technology Co., Ltd., Shenzhen Burzion Technology Co., Ltd., Shenzhen Chengzhou Technology Ltd., Shenzhen Haichengfeng Technology Co., Ltd., Shenzhen Shanen Electronic Commerce Co., Ltd., Shenzhen Weijiaxing Electronics Co., Ltd., Shenzhen Yetesi Technology Co., Ltd., Shenzhen Yueyangmeng E-Commerce Co., Ltd., Shop3659058 Store, Shop5095137 Store, Shop5411028 Store, shop678 Store, Shop910326107 Store, Shop910327347 Store, Shop910347415 Store, Shop910931048 Store, Shop911112184 Store, Shop911188155 Store, Shop911305008 Store, Shop911599337 Store, Shop911733072 Store, WHAT A SURPRISE Store, wovoanimal Store, Xiamen Linjiasheng International Trade Co., Ltd., Xi’an Dealspeeds Technology Limited, Xu’s Store, Yiwu Dongye E-Business Limited, and Yiwu Yiyu Tongtian Trade Co. and Ltd.

Dkt. 2. That same day, Off-White filed a proposed temporary restraining order (“TRO”), a memorandum of law, and supporting declaration and exhibits. *See* Dkts. 11–13. That same day, the Hon. P. Kevin Castel, United States District Judge, granted the TRO, authorizing Off-White, *inter alia*, to serve each defendant by alternative means, and ordered defendants to show cause before this Court on May 7, 2021 why a preliminary injunction should not issue. *See* Dkt. 15. On April 29, 2021, Off-White served each defendant with process pursuant to the alternative means of service authorized in the TRO, making each defendant’s deadline to answer or otherwise respond May 20, 2021. *See* Dkt. 16; Fed. R. Civ. P. 12(a). On May 7, 2021, the Court held the show-cause hearing, at which all defendants failed to appear. The Court accordingly converted the TRO into a preliminary injunction. *See* Dkt. 6.

On May 13, 2021, Off-White served each defendant with the preliminary injunction pursuant to the alternative means of service authorized in the TRO. Dkt. 17. No defendant responded to the Complaint or otherwise appeared in this action. On May 20, 2021, the Court referred the case to the Hon. Debra C. Freeman, United States Magistrate Judge, for general pretrial supervision. Dkt. 18. On May 24, 2021, Off-White filed for entry of default as to all defendants with the Clerk of Court. Dkts. 21–22. On May 24, 2021, the Clerk of Court issued certificates of default as to all defendants. Dkt. 23. On June 17, 2021, Off-White filed a motion for default judgment against all defendants, a memorandum of law, affidavit, and exhibits in support, and a proposed order of default judgment. Dkts. 24–27.

On June 22, 2021, the Court ordered any defendant wishing to oppose the motion, by July 20, 2021, to show cause why a default judgment is not warranted. Dkt. 28. On November 8, 2021, the Court referred the case to Judge Freeman for a damages inquest. Dkt. 37. On January

5, 2022, Off-White filed proposed findings of fact and conclusions of law, and an affidavit, exhibits, and memorandum of law in support. Dkts. 40–42.

The Court has reviewed Off-White's motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b) and supporting affidavit and submissions. Dkts. 24–27. Because proof of service has been filed, each defendant has failed to answer the Complaint, the time for answering the Complaint has expired, and each defendant has failed to appear to contest the entry of a default judgment, the Court enters a default judgment for Off-White against all defendants.

The inquest into damages as to all defendants will proceed before Judge Freeman. Off-White shall serve this Order upon each defendant and file an affidavit reflecting such service on the docket by March 29, 2022. The Clerk of Court is respectfully directed to close the motions pending at docket 24.

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge

Dated: March 22, 2022
New York, New York